

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO - EASTERN DIVISION

IN RE:	)	Case No. 12-42110
	)	
GRAHAM, KARLA D.	)	Judge Kay Woods
	)	
Debtor	)	Chapter 7

**MOTION FOR AUTHORITY TO ASSUME LAND CONTRACT  
FOR THE SALE OF 338 CHESTNUT WARREN OHIO**

NOW COMES Mark A. Beatrice, Chapter 7 Trustee, by and through his counsel in the above-captioned proceeding, and moves this Court pursuant to 11 U.S.C. §363(b) for an Order allowing him to close the sale and transfer certain real property of the Debtor herein. As grounds for this Motion, Movant states as follows:

1. Movant is the duly appointed, qualified and acting Chapter 7 Trustee in this bankruptcy case created by Debtor, KARLA D. GRAHAM filing her petition herein on August 29, 2012.

2. At the time of filing, Debtor owned commercial real property known as 338 Chestnut Street, Warren, Ohio also known as Trumbull County Parcel number 38-431900 (the "Property"), which is further described in Exhibit A attached hereto.

3. The Property was subject to the Land Installment Contract with Forever Two Wheelz LLC ("Vendee") for its purchase thereof for the price of \$11,000. A copy of this Contract is attached hereto as Exhibit A.

4. During the pendency of this case to date, the Vendee has paid Movant the payments due under the Contract. The monthly payments are scheduled to continue until the Contract is fully paid on April 1, 2016, and may be prepaid at any time.

5. Movant is entitled to and elects to formally assume this Contract. If fully paid during the pendency of this case, Movant seeks authority to execute his Fiduciary Deed and pay

the title costs and closing costs to complete the transfer of the Property in accordance with the Contract.

WHEREFORE, Movant Mark A. Beatrice, Trustee, prays that this Court enter an Order authorizing Movant to assume the Contract and receive the payment pursuant to the same, and if fully paid, do all other things required to carry out and complete the sale of this Property, including but not limited to executing a deed, pay the closing costs, and perform any other necessary and incidental matters required to transfer the Property pursuant to the Contract.

Respectfully submitted,

/s/ Mark A. Beatrice,  
Mark A. Beatrice, Esq. (#0011003)  
Manchester, Bennett, Powers & Ullman, LPA  
201 East Commerce Street, Level Two  
Youngstown, Ohio 44503-1641  
Ph: (330) 743-1171; Fax: (330) 743-1190

**CERTIFICATE OF SERVICE**

I certify that on April 2, 2013, a true and correct copy of the foregoing MOTION was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Timothy F. George at timgeorge@timgeorglaw.com  
(Debtor's Counsel)

Office of the U.S. Trustee at designated address at usdoj.gov

And by regular U.S. Mail, postage prepaid, on:

Karla D. Graham  
759 Portage Easterly Road  
Cortland OH 44410  
(Debtor)

See attached list of creditors.

/s/ Mark A. Beatrice, Trustee

PETER ROSSI & SON  
MEMORIAL CHAPEL  
c/o Anthony G. Rossi  
P. O. Box 4270  
Warren, OH 44482

FIA CARD SERVICES, N.A.  
4161 Piedmont Parkway  
NC4 105 03 14  
Greensboro, NC 27410

Karla D. Graham  
759 Portage Easterly Road  
Cortland, OH 44410

GE CAPITAL RETAIL BANK  
c/o Recovery Management Systems  
25 SE 2<sup>nd</sup> Avenue, Suite 1120  
Miami, FL 33131-1605

CITIBANK, N.A.  
c/o American InfoSource, LP  
P. O. Box 248840  
Oklahoma City, OK 73124-8840

DISCOVER BANK  
db Servicing Corporation  
P. O. Box 3025  
New Albany, OH 43054-3025